WD2239.B490.

App F IX 4]

192 –.

File No. 59-22

Previous References. (Irrigation)

Serial Nos. 53 + 57

Later references.

GENERAL REVENUE SECRETARIAT

Serial Nos.

Part B for

SUBJECT

~~Report~~ Regret acceptance of Government to contest or to withdraw the written statement in the District Judge's Court at Kolaba in the Lakshmi Bai hospital suit for Rs 73/- & hold bring the cost alleged to be due on account of Irrigation loan.

L D 58 1681 2
Date 18.5.28

To the Irrig. Com
Comptr.

The recommendation of the Irrigation Commissioner is accepted.

G. R. S. 11). 1922

GENERAL AND REVENUE SECRETARIAT.

(Inezzaji

NOTES.

File No. 59
1922

FILE HEADING.

Civil Suit on the file of the Dist. Munsiff of Nadiyi re the claim of Lakshmi Bai against Bhimanakatte Mall for a sum of Rs 73 and odd being the rent due on account of some Pallageri Lease.

From

The Inez. Comte

C No. 637 Dated 11-8-28 Received 12-8-1928

Diary No.	Enclos. — Spare Copies.	Serial No.
1457		53

BRIEF ABSTRACT OF LETTER.

Solicits permission of Govt to contest the above suit and file the written statement

NOTES AND ORDERS.

A copy.

The written statement proposed to be filed in the court, explains the facts of the case.

2 It is stated that one Rajacharya was the defendant in the Bhimanakatte

NOTES—First Sheet.

Serial No

Matt Suits wherein all his properties were brought to Sale. Lakshmi Bai is said to be Rajachar's paramour and has been set up by him. It is said that no Sanad or rent has been claimed by or paid to Plaintiff till now, and that there is no entry in the Matt accounts, and that the Suit is not maintainable.

Submitted for orders.

The Dy. Comr has already given a Vakalat to Mr. Bhujanga Rao, Pleader as recpt, and the Asst. Comr is of opinion that it will very much prejudice the case if the Dy. Comr should withdraw now from the Suit. Permission of Govt is requested to contest the Suit in question

Mr. S. 25.

NOTE—Contn sheet

WD 0961—GPE—3750—I S 22

G. R. S. III. 2]

Muzrai Secretariat | Muz. File No. | of 192

Serial No.

4) The Mur Com^r recommends that the present case may be entertained and the written statⁿ. as per rule 3 sub? filed may be allowed. Rule 3 sub?

Sd

15.5.25

5) Papers & other orders

Sd

14.5.25

Rev - Secy)

369/15.5 Rs 14/5

15.5.25

6) Rs 15/- Rs 16/-

7) Issue

Sd

16.5.25

5b 8) The Manag. Committee Kanyakumari. No. 1661-2 dt. 18.5.25. Sanctions the Muzrai Commr's recommend.

NOTE—Contn. sheet

WD 0561—GPB—3750—1 8 22

Immediate 15806

No. C637/M-3 Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 11th May 1925.

From

C. S. Balasundaram Iyer, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

GENL. & REV. DEPARTMENT 12 MAY 1925 MUZRAI

Dn. 1754
Muzrai 5 J-22-25.

GENL. & REV. DEPT. SECTION. 12. MAY 1925 To

The Secretary to the Government
of His Highness the Maharaja of Mysore,
Revenue Department.

12/5 Revenue Sir,

I have the honor to submit herewith copies of the marginally noted letters in the matter of Small cause Suit No. 485 of 1925 (since transferred to the original side as O.S.No.74/25) on the file of the District Munsiff's Court at Udipi regarding the claim of one Lakshmi Bai for a sum of Rs.73-13-9 being the rent due on account of some mulageni lease and to state that the subject matter of this suit stands altogether on a different footing from the liability attaching to the Javali Family Bank in as much as the claim of the latter was for the repayment of a large loan by instalments, the bona-fide nature of which loan and whether it is binding upon the successors of the late Swamigalu who contracted the loan are matters requiring further investigation and is therefore best left to the discretion of the succeeding Swamy.

O.C.75/Rev.22-23	dated 21st March 1925.	noted letters in the matter of Small cause Suit No.
O.C.75/Rev.22-23	" 3/4th " "	
O.C.75/Rev.22-23	" 31st Dec. 1924.	
O.C.75/Rev.22-23	" 25th Nov. "	

As regards the present suit the Deputy Commissioner has already given a vakalat to Mr. Bhujanga Rao, Pleader at Udipi, and the case has also been contested before its transfer to the original side. I am therefore of opinion that it will very much prejudice the case if the Deputy Commissioner should withdraw now from the suit. In that case there is sure to be an ex-parte decree. I beg therefore to solicit permission of Government to contest the suit and file the written statement

Read on 14.5.25

(A)

statement - a copy of which is submitted herewith.

I have the honor to be,

Sir,

Your most obedient servant,

For Muzrai Commissioner.

KSR.

(Absent from station.)

Letter No.C.C.75/Rev.22-23 dated 21st March 1925 from the Deputy Commissioner, Shimoga District to the Muzrai Commissioner in Mysore.

- - - - - -

"With reference to your letter No.C.637/24-25 dated 11th March 1925 in the matter of S.C.suit No.485 of 25 on the file of the District ------ Munsiff's Court at Udipi, I have the honor to state that Mr. Bhujanga Rao the pleaser at Udipi, writes in his letter of the 10th instant, that the above suit was transferred to the original side as O.S.75/25 and the --- result of the case is awaited."

"C o p y"

for/Muzrai Commissioner.

KSR.

Letter No.O.C.75/Rev.22-23 dated 3/4th March 1925 from the Deputy Commissioner Shimoga District to the Muzrai Commissioner in Mysore.

"With reference to your letter No.C.637 of 24-25 dated the 8th -- January 1925 in the matter of civil suit S.C.No.485 of 1925 on the file of the District Munsiff of Udipi - Lakshmi Bai Vs.Deputy Commissioner, of Shimoga for Bhimanakatte Mutt - I have the honor to state that no -- further information has been received from Mr. B. Bhujanga Rao, the -- Pleader on behalf of the Matt. I have this day asked him to report the stage in which the case stands. These civil suits do drag on for some time and it is not possible to get information now and then from the -- Pleader at dipi. I shall if so desired, communicate the result of the case as soon as it is decided by the Munsiff and information is received from the Pleader.

2. I authorised the Amildar of Thirthahalli Taluk to pay to the --- Pleader the sum of Rs.30/- as trustee of the Matt properties. The --- expenditure has been incurred from the funds at the credit of the institution.

3. As reported by the Amildar of Thirthahalli in his No.426 dated the

the 25th January 1925 all the available amounts are at the c institution in the Treasury and there is no amount belonging to the institution in savings Bank Deposit."

"C o p y"

For Muzrai Commissioner.

KSR.

Letter No.C.C.75/Rev.22-23 dated 31st December 1924 from the --- Deputy Commissioner, Shimoga District to the Muzrai Commissioner in Mysore

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"With reference to your office No.C.637 of 24-25 dated 20th 26th December 1924, relating to S.C.No.485/24-in the court of the District -- Munsiff of Udipi, I have the honor to forward herewith the report received from the Amildar, Thirthahalli, together with that of the agent of the -- Matt.

2. As regards the opinion about the validity of the claim, I am forwarding herewith copies of the marginally noted letter from Mr. Bhujanga Rao, Pleader Udipi, The Vakalat form referred to by him in his first letter was

1. letter dated 6th December 1924 2. " 20th "	returned to him duly signed and attested.

The statement referred to in the 2nd letter was also returned to him duly signed and a copy of it is enclosed for favour of reference. I have directed the Amildar, Thirthahalli to remit to him Rs.30/- for conducting the suit.

3. As regards the information as to how the case was further dealt with I have written to Mr.Bhujanga Rao, to inform me about the same very early

On receipt of a reply, further communication will be made to your o

"C o p y"

Muzrai Commissioner.

KSR.

Letter No.O.C.75/Rev.of 1922-23 dated 25th November 1924 from the Deputy Commissioner Shimoga District to the Muzrai Commissioner in Mysore

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"I have the honor to state that through the District Judge, Shimoga I have received a summons from the District Munsiff of Udipi in S.C.Suit

---

*Plaintiff: Lakshmi Bai.
Defendent: Deputy Commissioner of Shimoga as trustee of Sri Ramachandra Devaru of Sri Bheemanakatte Matt.

No.485 of 1925 on the file of that court in which the ----- Plaintiff claims a sum of -- Rs.73-13-9 being the rent due on account of some mulageni lease. His liability on the part of the matt is not to be found in any of the ---- available records in this office. I have therefore asked the Amildar of Thirthahalli taluk to enquire Mr.Lakshminarayanachar, the Agent of the Matt and to submit a detailed report immediately. I have also --- informed Mr. Bhujanga Rao, Pleader, Udipi, who is entrusted with other cases of the Matt, that a further communication whould be made to him on receipt of the report. from the Amildar of Thirthahalli. In case the claim is substantiated by the version of the Agent, I request permission to pay the amount from the funds of the Institution together with the incidental charges.

charges. The case is posted to 8th December 1924."

"C o p y"

Muzrai Commissioner.

KGR.

Letter No.Nil.dated 6th December 1924, from Mr. B.Bhujanga Rao, Pleader, Udipi, to the Deputy Commissioner, Shimoga District.

"I beg receipt of your last letter. I have this day sent you a Vakalat form. Please send it duly attested by a Magistrate. On 8-12-24 I shall move for an adjournment as your letter to the Munsiff has also been received by the Court.

As regards the suit, I have to study the records and see --- whether plaintiff is entitled to the plaint rent. Uptill now, the Matt has not been paying any rent.

I shall try to get the documents of plaintiff and then inform you whether we are to confess judgment or contest.

Letter dated 20th December 1924.

I have sent written statement for your signature. from the --- draft you may understand that we have to contest the suit.

Please sanction a sum of Rs.30/- for intial expenses."

"C o p i e s."

For Muzrai Commissioner.

SUBJECT..... ....

....

... .

Diary No. of letter replied to..... ..

Section

File No.

Serial No.

General and Revenue Secretariat

( )

, *the* *192*

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue.... 18/5/25

Signed by.....

Read—

Letter no. C.637 Dy 11th May 1925 from the Asst Comr in Mysore reporting that one Lakshmi Bai has filed a Suit O.S. no. 74/25 on the file of the Dist Munsiff of Udipi against Bhimanakatte Matt claiming a sum of Rs 73 and odd being the rent alleged to be due on account of some mulageni lease, that the Dy. Comr has already given a Vakalat

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Order Thereon No.

to Mr Bhujanga Rao,
Pleader at Nidipi, that it
will very much prejudice
the case if the Dy. Comr.
should withdraw now from
the Suit, and recommending
Sanction of Govt to Contest
the Suit and file the
written Statement ~~Sent~~ drafts of which have been
~~up by him~~ Subd for approval.

Order thereon No 1661-2

The Govt Comr's recommendation is Sanctioned:

List of enclosures.

By Order
Asst. Secretary

Copied by

Examined by

Compared by

WD 1886—GPB—1,000,00—21 12 21

IN THE COURT OF THE DISTRICT MUNSIFF OF UDIPI.

O.S. No. 74 of 1925.

Plaintiff . Laxmi Bai

Defendant Sree Ramachandra Devaru by trustee the Deputy Commissioner, Shimoga.

W.S. of Defendant under or 8 rule 1 of Act V of 1908.

The Defendant begs to submit as follows:

N.B.- The processes may be served on the Vakil.

1. Plaintiff's suit is wholly malicious and is launched only in her name by her paramour Rajacharya the Defendant in the Mutt suits wherein all his properties were brought to sale. The suit is therefore not maintainable.

2. In O.S.782/1912 by means of R.I.A. No. 1433/1912, the plaint properties were attached as the muli properties of the Defendant Rajacharya and the same muli right was sold by Court auction in R.E.P. No. 928/1914 with full knowledge of Plaintiff She is therefore legally estopped from setting up any title thereto now after lapse of time and two bonafide transfers of rights.

3. Plaintiff is only a name lender to Rajacharya stated above. She put forward malicious and false claims with respect to all properties of Rajacharya attached by this Court but all the claims were rejected by this Court after investigation. The purchase by Plaintiff on 28-5-1915 and auction sale in R.E.P.1143/1913 were all collusively by said Rajacharya the Defendant who is the real Plaintiff in this suit. The sale deed in favour of Plaintiff is without consideration and the Vendor is another creature of Rajacharya. The decree under which the plaint property was sold to Plaintiff's vendor was also a decree of Rajachar assigned collusively on purpose after attachement of all his properties against Rajacharya by the Mutt are not fully satisfied.

4. The Mulgeni lease referred to in the plaint dated 14-6-1894 was found to be invalid in previous suits and Rajacharya became full owner of the properties covered by the lease. The present suit is completely based on mis-statement of facts and probably on the ground that the assignment of Laxminarayanacharya's right to Rajacharya was not by a registered deed. Since obtaining delivery of the properties (subject matter of the above lease) by Rajacharya throu Court, Rajacharya seems not to have paid any sort of rent to any body.

5. The allegation that Defendant failed to pay though demand was made is false. It is only recently that the present claim saw the light of the day. As the Mutt affairs are now in the management of the present official trustee, the registered notice dated 23-6-24 could not be replied. The property maintained Mutt accounts openly negative any right of Plaintiff now put forward. No sort of rent has been claimed by or paid to Plaintiff till now either by the assignee of the Defendant or by the Court purchaser.

6. In any case Plaintiff is not entitled to costs and interest o such belated claims.

7. Plaintiff's suit as if for rent is not maintainable at law. Plaintiff ought to have sued and established her title before claiming the rent.

8. As the Plaintiff even after she became aware of the attachment of the properties did not put forward her present claim in R.E.A. 191/15 launched even after sale deed in her favour, Plaintiff. She is legally estopped from questioning the sale by auction and the right of defendant. The sale was really binding on Plaintiff as the claim by her was dismissed.

9. The defendant therefore prays that this suit may be dismissed with costs.

Dated

I do hereby declare that the facts stated above are all true to the best of my knowledge.

Dated

G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

19 13.

(Miscellaneous)

File No. 107-13

Serial Nos. 13

Papers Filed.

Month April 13

SUBJECT.

Administration of the Ahobilam Narasimhaswami Temple at Ahobilam Kadapa District

PREVIOUS REFERENCES.	LATER REFERENCES.
A. R. Annual Confidential Report Recorder 29-10-13	